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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 DR. TAM NGUYEN,
9 Plaintiff,
10 vs.

Case No. 2:12-cv-01527-GMN- NJK

**STIPULATION AND ORDER FOR
PROTECTIVE ORDER REGARDING
CONFIDENTIALITY**

As modified (Paragraph 11)

11 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the
12 State of Nevada; Police Officer NAKAGAWA
(LVMPD #5476), individually and as police
13 officer employed by the Las Vegas
Metropolitan Police Department; Police Officer
14 GEIGER (LVMPD #9864), individually and as
police officer employed by the Las Vegas
15 Metropolitan Police Department; POLICE
OFFICER JOHN DOES I-XX; and JOHN
16 DOES I-XX, inclusive,
17 Defendants.

Discovery in this action will require Las Vegas Metropolitan Police Department, Officer
18 Duane Nakagawa and Officer Kathleen Geiger, "Defendants", to provide the parties to this
19 lawsuit with information and documents, specifically personnel records of Defendants, which
20 contain information that is confidential, proprietary and sensitive as discussed in Segura v. Reno,
21 116 F.R.D. 42 (D.Nev. 1987). Disclosure of this information could result in harm to the
22 Defendants' reputation and employment. Although this information may be subject to
23 conditional disclosure, the Defendants are entitled to the protections described below.
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1 1. As used in this Protective Order, the term "Confidential Information" means any
2 documents, testimony, or other information, specifically personnel records of Defendants, that is
3 produced from the date of this agreement forward and has been designated as
4 "CONFIDENTIAL".

5 2. The term "disclosure" shall include the dissemination, communication,
6 publication and reproduction of any confidential material or the specific contents of the
7 information contained therein, or the communication of any estimate or other information which
8 facilitates the discovery of confidential information. Should any pleadings with the Court
9 require reference or attachment of any confidential information, the attachment shall be filed
10 under seal pursuant to this Stipulation and Order, as further defined in Paragraph 11 below.

11 3. As used in this Protective Order, the term "qualified persons" means (i) counsel of
12 record for the parties to this litigation, including office associates, paralegals, and stenographic
13 and clerical employees to who disclosure is reasonably necessary; (ii) experts retained for the
14 purpose of this litigation to whom disclosure is reasonably necessary and who reviewed and
15 signed a copy of this Stipulation; (iii) parties to this action; and (iv) court personnel, including
16 stenographic reporters engaged in such proceedings as are necessarily incident to this litigation.

17 4. Confidential information shall be and remain confidential, and, except as allowed
18 by this Protective Order, may not be disclosed or communicated, nor used for any purpose other
19 than this litigation, including any appeals.

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1 5. Any and all documents containing confidential information must be retained by
2 counsel and not be disclosed or made available to any person other than a qualified person who
3 has read and acknowledged the terms of this Protective Order. Similarly, the confidential
4 information contained within those documents may not be disclosed to any person other than a
5 qualified person. To the extent reasonably necessary, copies of confidential documents may be
6 provided to experts retained for the purpose of this litigation to whom disclosure is reasonably
7 necessary and who have signed this Stipulation and Protective Order. Nothing in this Protective
8 Order shall in any way affect the admissibility or use at trial of any of the documents produced
9 under this Protective Order.

10 6. Any person who is in possession of confidential information, or to whom
11 confidential information is disclosed, is responsible for ensuring that such confidential
12 information is not inadvertently disclosed by him or her. Failure to take all reasonable
13 precautions to ensure against such inadvertent disclosure will be viewed by the Court as willful
14 disobedience of this Protective Order, and will be punished accordingly.

15 7. Counsel receiving confidential information may not disclose that confidential
16 information to any expert without first furnishing to that expert a copy of this Stipulation and
17 Protective Order and obtaining a signed copy of this Stipulation and Protective Order from that
18 expert.

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1 8. Any person who executed a copy of this Stipulation and Protective Order submits
 2 to the jurisdiction of this Court for purposes of enforcement of this Protective Order, either prior
 3 to or following trial of this action. Jurisdiction of this action is to be retained by this Court after
 4 final determination for purposes of enabling any party or person affected by this Protective Order
 5 to apply to the Court for such direction or further decree as may be appropriate for the
 6 construction or enforcement of this Protective Order, or for such additional relief as may become
 7 appropriate.

8 9. If a party objects to the designation by Defendants of documents or items,
 9 pleadings, or transcripts of testimony as "CONFIDENTIAL" the party shall give notice of the
 10 same to Counsel for LVMPD, in writing of the documents, pleadings, and/or testimony at issued
 11 and the reason for the objection. Defendants shall thereafter have twenty (20) business days
 12 within which to apply to the Court for appropriate protection of the documents, pleadings, and/or
 13 testimony pursuant to the Federal Rules of Civil Procedure. If Defendants do not make
 14 application within twenty (20) business days after receipt of the written objection (or within the
 15 stipulated time period if stipulated to be longer or shorter than twenty (20) days), then the
 16 documents, pleading, and/or testimony at issued shall no longer be deemed "CONFIDENTIAL".
 17 However, until expiration of the twenty (20) day time period (or longer or shorter if stipulated)
 18 or until the Court enters an order changing the designation, whichever is later, the information
 19 shall continue to be given the "CONFIDENTIAL" treatment initially assigned to it and provided
 20 for in this order.

21 10. If any individual making copies of any confidential information allowed by this
 22 agreement, said individual must ensure that the copies are also marked "Confidential".

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1 11. Any person who wishes to file with this Court any document, paper, or other
2 tangible item disclosing confidential material may disclose only those confidential materials that
3 are necessary to support the pleadings, motion or other paper to which the confidential
4 document, paper, or other tangible item is attached and must do so
5 concurrently with a motion to seal.

6 12. Nothing in this Protective Order precludes the deposition examination of any
7 person regarding confidential information of which they have knowledge. In any such
8 deposition, third-party may designate specific testimony deemed to be "CONFIDENTIAL" by
9 advising the court reporter of such fact prior to the conclusion of the deposition. The reporter
10 shall mark the fact of the transcript "CONTAINS CONFIDENTIAL INFORMATION." All
11 transcripts of said deposition containing confidential information will be treated in accordance
12 with this Protective Order, wherein if any portions of the deposition transcript containing
13 confidential material is to be filed with the Court, it should be filed with the Court under seal as
14 described in paragraph 11.

15 13. If, during trial, any party intends to introduce into evidence any information
16 designated as "CONFIDENTIAL", the party shall give timely notice of that intention to the
17 Court and the opposing counsel, and the Court may take such steps as it shall deem reasonably
18 necessary to preserve the confidentiality of such information, without violating any statute or
19 other rule of the Court.

20 14. Nothing in this Protective Order requires a party to disclose confidential
21 information that the party also contends is protected from disclosure based upon a privilege
22 (including but not limited to HIPAA rights of others) or for some reason other than the mere
23 confidential or proprietary nature of the document or information (including but not limited to
24 non-discoverable trade secrets).

CONFIDENTIAL

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1 18. Anyone found to be in violation of this Order may have sanctions imposed against
2 him or her as the Court may determine and allowable under law and may also be subject to
3 contempt of court proceedings.

4 DATED this 14th day of February, 2013.

5 KAEMPFER CROWELL RENSHAW
6 GRONAUER & FIORENTINO

7 BY: 

LYSSA S. ANDERSON
NV Bar 5781
8345 West Sunset Road, Suite 250
Las Vegas, Nevada 89113
Attorneys for Defendant LAS VEGAS
METROPOLITAN POLICE DEPARTMENT

10 DATED this 13 day of February, 2013.

11 BY: 

Cal J. Potter, III, Esq.
Potter Law Offices
1125 Shadow Lane
Las Vegas, Nevada 89102
(702) 385-1954
(702) 385-9081 - facsimile
Attorney for Plaintiff

16 **ORDER**

17 IT IS SO ORDERED.

18 
19 UNITED STATES Magistrate Judge

20 Dated: February 19, 2013

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